
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 910) TO AMEND THE CLEAN AIR ACT TO PROHIBIT THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY FROM PROMULGATING ANY REGULATION CONCERNING, TAKING ACTION RELATING TO, OR TAKING INTO CONSIDERATION THE EMISSION OF A GREENHOUSE GAS TO ADDRESS CLIMATE CHANGE, AND FOR OTHER PURPOSES.

April 5, 2011.—Referred to the House Calendar and ordered to be printed.

MR. SESSIONS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res.]

The Committee on Rules, having had under consideration House Resolution____, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 910, the Energy Tax Prevention Act of 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The rule further makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided

and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in this report are waived. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order against its consideration. The waiver of all points of order are prophylactic.

The waiver of all points of order against the committee amendment in the nature of a substitute to H.R. 910 includes a waiver of clause 7 of Rule XVI, prohibiting non-germane amendments. This waiver is necessary because the Committee on Energy and Commerce adopted an amendment in committee markup that was not germane to the bill.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order against the amendments and therefore the waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 68

Motion by Mr. McGovern to report an open rule. Defeated: 3-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 69

Motion by Mr. McGovern to amend the rule to make in order and provide the appropriate waivers for amendment #35, offered by Rep. McGovern (MA), Rep. Blumenauer (OR), and Rep. Welch (VT), which would reduce the federal deficit by \$40 billion by eliminating subsidies to oil companies. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 70

Motion by Mr. McGovern to amend the rule to make in order and provide the appropriate waivers for amendment #34, offered by Rep. Crowley (NY), which would eliminate the exception for the renewable fuel standard (ethanol) in the bill. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 71

Motion by Mr. Hastings of Florida to amend the rule to make in order and provide the appropriate waivers for amendment #29, offered by Rep. Cleaver (MO), which would have Congress accept the following findings of the 2004 report, African Americans and Climate Change: an Unequal Burden, stating global climate change will disproportionately burden communities of color.
Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 72

Motion by Mr. Polis to amend the rule to make in order and provide the appropriate waivers for amendment #22, offered by Rep. Blumenauer (OR), Rep. Doggett (TX), and Rep. McDermott (WA), which would amend the Clean Air Act to prevent the Administrator of the Environmental Protection Agency from imposing an energy tax. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 73

Motion by Ms. Foxx to report the rule. Adopted: 8-3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Mr. McGovern.....	Nay
Mr. Bishop of Utah.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Woodall.....	Yea	Mr. Polis.....	Nay
Mr. Nugent.....	Yea		
Mr. Scott of South Carolina...	Yea		
Mr. Webster.....	Yea		
Mr. Reed.....	Yea		
Mr. Dreier, Chairman.....	Yea		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Jackson Lee (TX): Would require an EPA study to determine the long term impact of a complete ban on their authority to regulate greenhouse gases. (10 minutes)
2. Jackson Lee (TX): Would insert a new section to provide considerations and procedures in finalizing greenhouse gas regulations. (10 minutes)
3. McNerney (CA): Would clarify that voluntary programs addressing climate change classify as exceptions to the bill's prohibitions. (10 minutes)
4. Cuellar (TX): Would amend the definition of greenhouse gas, to remove water vapor as a part of the definition, amend the act by striking the removal of existing EPA findings and rules, and exempt all auto standards from the legislation. (10 minutes)
5. Murphy, Christopher (CT): Would clarify that the Agency can continue to provide technical assistance to states taking action to limit greenhouse gas emissions. (10 minutes)
6. Waxman (CA), DeGette (CO), Inslee (WA): Would add a new section with respect to Congressional Acceptance of Scientific Findings: Congress accepts the scientific findings of the Environmental Protection Agency that climate changes is occurring, is caused largely by human activities, and poses significant risks for public health and welfare. (10 minutes)
7. Quigley (IL): Would require GAO to report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this Act, as compared to health care costs in the U.S. as would be affected by the EPA proceeding under their regulating authority as determined in Massachusetts v. EPA. (10 minutes)
8. Polis (CO): Would ensure the EPA Administrator can protect the public health in case of public health emergency. (10 minutes)
9. Markey, Edward (MA): Would ensure that any prohibition on or limitation to EPA's Clean Air Act authority contained in the bill would not apply to any action EPA could take to reduce demand for oil. (10 minutes)
10. Rush (IL): Would prevent the provisions of this act from going into effect until the EPA Administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad. (10 minutes)
11. Doyle (PA), Ryan, Tim (OH): Would include a study to determine whether regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of the bill, would cause greenhouse gas leakage and reduce the international competitiveness of United States producers of energy-intensive products. (10 minutes)

12. Kind (WI), Owens (NY): AMENDMENT IN THE NATURE OF A SUBSTITUTE Would codify the Environmental Protection Agency's Tailoring Rule in order to protect farms, small businesses, and small- and medium-sized stationary sources from greenhouse gas regulation. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Strike sections 2 and 3 of the bill, redesignate section 4 of the bill as section 3, and insert after section 1 of the bill the following section:

1 SEC. 2. STUDY AND REPORT.

2 (a) STUDY.—In the interest of protecting national se-
3 curity, the Administrator of the Environmental Protection
4 Agency shall conduct a study to determine—

5 (1) the long term impacts of the Environmental
6 Protection Agency having no authority to regulate
7 emissions of greenhouse gases;

8 (2) if there are alternatives to ensure compli-
9 ance with the Clean Air Act; and

10 (3) best practices with respect to greenhouse
11 gas regulation under the Clean Air Act.

12 (b) REPORT.—Not later than 60 days after the date
13 of enactment of this Act, the Administrator of the Envi-
14 ronmental Protection Agency shall submit to Congress a
15 report on the results of the study under subsection (a),
16 including any findings and recommendations.



2. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Strike sections 2 and 3, redesignate section 4 as section 3, and insert after section 1 the following:

1 **SEC. 2. CONSIDERATIONS AND PROCEDURES IN FINAL-**
2 **IZING GREENHOUSE GAS REGULATIONS.**

3 In the interest of properly considering the importance
4 of energy to the national security of the United States,
5 before finalizing any greenhouse gas regulation the Ad-
6 ministrator of the Environmental Protection Agency—

7 (1) shall provide a notice period of no less than
8 30 days specifically to the affected greenhouse gas
9 producers proposed to be regulated and allow indus-
10 try-specific comments to be submitted to the Admin-
11 istrator regarding the economic impact of the pro-
12 posed regulation on the regulated industry; and

13 (2) provide an opportunity for the regulated in-
14 dustry to request and receive a 60-day extension of
15 such comment period during which the Adminis-
16 trator shall conduct a study to be submitted to Con-
17 gress regarding—

18 (A) the effect of the proposed regulation
19 on the level of greenhouse gas reduction;

1 (B) the effect of the proposed regulation
2 on energy production levels;

3 (C) the feasibility of implementation of the
4 regulation on the entities being regulated;

5 (D) the effect of the proposed regulation
6 on the availability of energy to consumers; and

7 (E) the adverse environmental effects of
8 delaying implementation of the proposed regula-
9 tion.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY, JERRY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

#21 Revised

AMENDMENT TO H.R. 910, AS REPORTED

OFFERED BY Mr. McNerney

In section 330(b)(2)(C) of the Clean Air Act, as added by section 2 of the bill, after “demonstration programs” insert “and voluntary programs”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CUELLAR, HENRY OF TEXAS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

1 R2

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. CUELLAR OF TEXAS**

In section 330 of the Clean Air Act, as added by section 2 of the bill, amend subsection (a) to read as follows:

- 1 “(a) DEFINITION.—In this section, the term ‘green-
- 2 house gas’ means any of the following:
- 3 “(1) Carbon dioxide.
- 4 “(2) Methane.
- 5 “(3) Nitrous oxide.
- 6 “(4) Hydrofluorocarbons.
- 7 “(5) Perfluorocarbons.
- 8 “(6) Sulfur hexafluoride.

In section 330(b) of the Clean Air Act, as added by section 2 of the bill—

(1) in paragraph (1)—

(A) in subparagraph (A), strike “under this Act” and insert “under title I or title V of this Act”; and

(B) in subparagraph (B), strike “The definition” and insert “For purposes of title I and title V only, the definition”;

(2) in paragraph (2)(A), strike “Notwithstanding paragraph (4)(B), implementation” and insert “Implementation”; and

(3) strike paragraph (4) and redesignate paragraph (5) accordingly.

Strike section 3 of the bill (and redesignate section 4 of the bill as section 3).



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MURPHY, CHRISTOPHER OF CONNECTICUT OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. MURPHY OF CONNECTICUT**

Page 10, line 6, after subparagraph (C), insert the following new subparagraph:

1 “(D) TECHNICAL ASSISTANCE.—Nothing
2 in this section shall be construed to limit the
3 authority of the Administrator to provide tech-
4 nical assistance to States or groups of States
5 for the implementation of regulations those
6 States have adopted or may adopt concerning
7 the limitation of greenhouse gas emissions, in-
8 cluding providing any data developed in accord-
9 ance with the rules or actions repealed by sub-
10 section (b).”.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WAXMAN, HENRY OF CALIFORNIA OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. WAXMAN OF CALIFORNIA, MS.
DEGETTE OF COLORADO, AND MR. INSLEE OF
WASHINGTON**

At the end of the bill, add the following new section:

1 **SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC**
2 **FINDINGS.**

3 Congress accepts the scientific findings of the Envi-
4 ronmental Protection Agency that climate change is occur-
5 ring, is caused largely by human activities, and poses sig-
6 nificant risks for public health and welfare.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
QUIGLEY, MIKE OF ILLINOIS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. QUIGLEY OF ILLINOIS**

At the end of the bill, add the following:

1 SEC. 5. GAO REPORT.

2 Not later than one year after the date of enactment
3 of this Act, the Comptroller General shall submit to Con-
4 gress a report containing the results of a study of health
5 care costs in the United States as affected by the elimi-
6 nation of Environmental Protection Agency regulation
7 under this Act, as compared to health care costs in the
8 United States as would be affected by the Environmental
9 Protection Agency proceeding with regulation in its role
10 as determined in *Massachusetts v. EPA* (549 U.S. 497
11 (2007)).



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS,
JARED OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO

In section 330 of the Clean Air Act, as proposed to be added by section 2 of the bill, insert after subsection (a) the following (and redesignate the subsequent subsections accordingly):

1 “(b) TEMPORARY SUSPENSION FOR PUBLIC HEALTH
2 EMERGENCIES.—The Administrator may by rule, after
3 public notice and comment, temporarily suspend the provi-
4 sions of this section if—

5 “(1) a detailed analysis and review by the Ad-
6 ministrator of the latest credible and peer-reviewed
7 science shows ground level ozone will pose significant
8 dangers to public health;

9 “(2) extreme weather events pose significant
10 danger to public health;

11 “(3) an increase in food and waterborne patho-
12 gens pose significant danger to public health; or

13 “(4) there are other significant threats to public
14 health.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MARKEY, EDWARD OF MASSACHUSETTS OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

At the end of the bill, add the following new section:

1 SEC. 5. REDUCING DEMAND FOR OIL.

2 Notwithstanding any limitation on agency action con-
3 tained in the amendment made by section 2 of this Act,
4 the Administrator of the Environmental Protection Agen-
5 cy may use any authority under the Clean Air Act, as in
6 effect prior to the date of enactment of this Act, to pro-
7 mulgate any regulation concerning, take any action relat-
8 ing to, or take into consideration the emission of a green-
9 house gas to address climate change, if the Administrator
10 determines that such promulgation, action or consider-
11 ation will reduce demand for oil.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH,
BOBBY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

LATE

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. RUSH OF ILLINOIS**

At the end of the bill, add the following:

1 SEC. 5. LIMITATION ON APPLICABILITY.

2 The provisions of this Act, and the amendments made
3 by this Act, shall not apply until the Administrator of the
4 Environmental Protection Agency, in consultation with
5 the Secretary of Defense, certifies that the consequences
6 of climate change, including its potential to create sus-
7 tained natural and humanitarian disasters and its ability
8 to foster political instability where societal demands ex-
9 ceed the capacity of governments to cope, do not jeop-
10 ardize security interests of the United States at home or
11 abroad.



**11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DOYLE,
MICHAEL OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 910, AS REPORTED
OFFERED BY MR. DOYLE OF PENNSYLVANIA**

*Mr. Ryan
of Ohio*

At the end of the bill add the following:

1 **SEC. 5. STUDY ON EFFECT OF EPA CLIMATE CHANGE REG-**
2 **ULATIONS ON INTERNATIONAL COMPETI-**
3 **TIVENESS OF UNITED STATES PRODUCERS**
4 **OF ENERGY-INTENSIVE PRODUCTS.**

5 (a) STUDY.—Not later than 1 year after the date of
6 the enactment of this Act, the Administrator of the Envi-
7 ronmental Protection Agency shall—

8 (1) conduct a study to determine, with respect
9 to the period beginning on such date of enactment
10 and ending on December 31, 2016, the extent to
11 which the regulations of the Environmental Protec-
12 tion Agency under the Clean Air Act to address cli-
13 mate change, if not repealed or otherwise made un-
14 authorized by section 2 of this Act, would—

15 (A) cause greenhouse gas leakage; and

16 (B) reduce the international competitive-
17 ness of United States producers of energy-in-
18 tensive products; and

19 (2) submit a report on the results of the study
20 to the Congress, including recommendations for leg-

1 islative, administrative, or other actions to miti-
2 gate—

3 (A) any greenhouse gas leakage identified
4 pursuant to paragraph (1)(A); and

5 (B) any reduction in international competi-
6 tiveness identified pursuant to paragraph
7 (1)(B).

8 (b) DEFINITIONS.—In this section:

9 (1) The term “energy-intensive product”
10 means—

11 (A) iron, steel, aluminum, cement, bulk
12 glass, paper and pulp, chemicals, or industrial
13 ceramics; or

14 (B) any other manufactured product which
15 the Administrator of the Environmental Protec-
16 tion Agency determines—

17 (I) is sold in bulk for purposes of fur-
18 ther manufacture; and

19 (ii) generates, in the course of the
20 manufacture of the product, direct and in-
21 direct greenhouse gas emissions that are
22 comparable (on an emissions-per-dollar
23 basis) to emissions generated in the manu-
24 facture or production of products identified
25 in subparagraph (A).

1 (2) The term “greenhouse gas leakage” means
2 an increase in greenhouse gas emissions abroad be-
3 cause of the movement of the production of eco-
4 nomic goods from the United States to other coun-
5 tries.



12. AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED BY REPRESENTATIVE KIND, RON OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

#33 REVISED
Ron Kind

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 910
OFFERED BY MR. KIND OF WISCONSIN and Mr. Owens**

Strike all after the enacting clause and insert the
following:

1 **SECTION 1. PROHIBITIONS AGAINST REGULATION OF**
2 **GREENHOUSE GASES.**

3 The Clean Air Act (42 U.S.C. 7401 and following)
4 is amended by adding the following new section after sec-
5 tion 329:

6 **"SEC. 330. PROHIBITIONS AGAINST REGULATION OF**
7 **GREENHOUSE GASES.**

8 **"(a) NEW SOURCE REVIEW.—**

9 **"(1) GENERAL RULE.—**

10 **"(A) EXCLUDING GREENHOUSE GAS EMIS-**
11 **SIONS FROM PERMITTING APPLICABILITY DE-**
12 **TERMINATIONS.—**

13 **"(i) For purposes of determining**
14 **whether a stationary source is a 'major**
15 **emitting facility' pursuant to section**
16 **169(1), such determination shall not be**
17 **based on emissions of any air pollutant**
18 **subject to regulation solely on the basis of**

1 such pollutant's contribution to global cli-
2 mate change.

3 “(ii) For purposes of determining
4 whether a stationary source has under-
5 taken ‘construction’ pursuant to section
6 165(a), such determination shall not be
7 based on an increase in the amount of any
8 air pollutant subject to regulation solely on
9 the basis of such pollutant's contribution
10 to global climate change, nor be based on
11 resulting emissions of such an air pollutant
12 not previously emitted.

13 “(B) EXCLUDING SMALL GREENHOUSE
14 GAS SOURCES FROM PERMITTING REQUIRE-
15 MENTS.—No requirement of sections 160
16 through 169 shall apply with respect to any
17 greenhouse gas unless such gas is subject to
18 regulation under this Act for reasons inde-
19 pendent of its effects on global climate change
20 or the gas is emitted by a source that is—

21 “(i) a new major emitting facility that
22 will emit, or have the potential to emit,
23 greenhouse gases in an amount of at least
24 75,000 tons carbon dioxide equivalent per
25 year; or

1 “(ii) an existing major emitting facil-
2 ity that undertakes construction which in-
3 creases the amount of greenhouse gases, or
4 which results in emission of greenhouse
5 gases not previously emitted, on a mass
6 basis and by at least 75,000 tons carbon
7 dioxide equivalent per year.

8 “(2) SPECIAL RULE.—Notwithstanding para-
9 graph (1), as of July 1, 2011, for purposes of sec-
10 tion 160 through 169, the term ‘major emitting fa-
11 cility’ shall include a stationary source—

12 “(A) that is—

13 “(i) a new stationary source that will
14 emit, or have the potential to emit, green-
15 house gases of at least 100,000 tons car-
16 bon dioxide equivalent per year (or such
17 other quantity between 50,000 and
18 100,000 set by the Administrator by regu-
19 lation effective no earlier than July 1,
20 2013); or

21 “(ii) an existing stationary source that
22 emits greenhouse gases of at least 100,000
23 tons carbon dioxide equivalent per year (or
24 such other quantity between 50,000 and
25 100,000 set by the Administrator by regu-

1 lation effective no earlier than July 1,
2 2013) and that undertakes a physical
3 change or change in the method of oper-
4 ation that will result in an emissions in-
5 crease of greenhouse gases of at least
6 75,000 tons carbon dioxide equivalent per
7 year (or such other quantity between
8 50,000 and 75,000 set by the Adminis-
9 trator by regulation effective no earlier
10 than July 1, 2013); and

11 “(B) that has greenhouse gas emissions
12 equal to or exceeding 250 tons per year mass
13 emissions or, in the case of any of the types of
14 stationary sources identified in section 169(1),
15 100 tons per year mass emissions.

16 “(3) NONPROFIT INSTITUTIONS.—For purposes
17 of section 169(1), no provision in this subsection
18 shall include within the term ‘major emitting facility’
19 any new or modified facility which is a nonprofit
20 health or educational institution which has been ex-
21 empted by the state in which it is located.

22 “(b) TITLE V OPERATING PERMITS.—

23 “(1) GENERAL RULE.—Notwithstanding any
24 provision of this title or title V, no stationary source
25 shall be required to apply for, or operate pursuant

1 to, a permit under title V, solely due to its status
2 as a major source of greenhouse gases that are sub-
3 ject to regulation under this Act solely on the basis
4 of their effect on global climate change.

5 “(2) SPECIAL RULE.—As of July 1, 2011, the
6 provisions of paragraph (1) of this subsection shall
7 not apply to any stationary source that emits or has
8 the potential to emit at least 100,000 tons per year
9 carbon dioxide equivalent (or such other quantity be-
10 tween 50,000 and 100,000 set by the Administrator
11 by regulation effective no earlier than July 1, 2013).

12 “(c) DEFINITION OF GREENHOUSE GAS.—For pur-
13 poses of this section, the term ‘greenhouse gas’ means the
14 following:

15 “(1) Carbon dioxide.

16 “(2) Methane

17 “(3) Nitrous oxide.

18 “(4) Sulfur hexafluoride.

19 “(5) Hydrofluorocarbons.

20 “(6) Perfluorocarbons.

21 “(7) Nitrogen trifluoride.

22 “(8) Any other anthropogenic gas if the Admin-
23 istrator determines that one ton of such gas has the

- 1 same or greater effect on global climate change as
- 2 does one ton of carbon dioxide.”.

